

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Christopher Bruce A. Confirmation No.: 1380
WHITELAW et al.

Application No.: 10/522,356 Art Unit: 1636

Filed: January 26, 2005 Examiner: Laura M. Mitchell, Ph.D.

Title: MULTI-REPORTER GENE MODEL FOR TOXICOLOGICAL SCREENING

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO FUTHER RESTRICTION REQUIREMENT

Dear Sir:

Applicants hereby respond to the Examiner's further restriction requirement set forth in the September 21, 2007 Office Action. A response was originally due on October 21, 2007.

Applicants request a one-month extension of time until November 21, 2007. A Petition for a one-month extension of time and authorization for charging the fee due for a one-month extension of time are enclosed. Accordingly, this response is timely filed.

To be completely responsive to the Office Action, and without acquiescing in the propriety of the restriction requirement, Applicants elect species A (claims 22-33), with traverse.

The Examiner contends that “[t]he species lack unity of invention and lack a special technical feature that defines a contribution over the prior art.” Specifically, the Examiner contends that the special technical feature of the invention of Group IV is a transgenic animal that expresses such a construct; and the Examiner cites *Farini and Whitelaw*, 1995, Mol. Gen.

Genetics, 246(6), Abstract, for "teach[ing] transgenic mice comprising genomic constructs comprising the ovine beta-lactoglobulin (BLG) gene." Applicants disagree.

The special technical feature of the pending claims is a novel method for detecting gene activation events. The article by *Farini and Whitelaw* fails to disclose such a method. Thus, this special technical feature defines a contribution of pending claims 22-35 over the prior art. Accordingly, the pending claims do not lack unity of invention. Also, applicants believe that the reporter gene described in the pending claims indicates the initiation of gene transcription events whose occurrence is predictive of the subject test animal developing a condition that could be any one of the species A to D as identified by the Examiner. Furthermore, in view of applicants' earlier election of invention and species, there is no undue burden for the Examiner to search the different gene activation events. For at least these reasons, applicants request reconsideration.

A Petition for Extension of Time is enclosed herewith. No additional fees are believed to be due. However, if such a fee is due or a credit is owed, please make them to our Deposit Account No. 08-0219.

The Examiner is encouraged to telephone the undersigned at the number listed below in order to expedite the prosecution of this application.

Respectfully submitted,

Dated: September 21, 2007

/Stanley D. Liang/
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